

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Complaint of Global NAPs, Inc. Against	)	
Verizon for Denial of Issuance of	)	Docket No. 03-29
Collocation Access Cards	)	

**REPLY BRIEF OF GLOBAL NAPs, INC.**

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May 23, 2003

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Global NAPs, Inc. ("Global") respectfully submits this reply brief pursuant to the Hearing Officer Memorandum Re: Procedural Schedule; Ground Rules ; and Service List dated March 25. 2003.

In its Initial Brief, Verizon goes to great lengths to criticize Global's employment practices and accuse Global of flagrant disregard for security. However, it conveniently fails to address the issues which caused Global to file this proceeding. As set forth in Global's Initial Brief, Verizon failed to provide support for its measures in a number of respects. First, Verizon failed to demonstrate that drug testing and criminal background checks are tailored to address any real security risks to which Verizon has been exposed. Verizon fails to show the need for these additional requirements. Although Verizon fails to show a nexus between its proposed measures and greater security, there is clearly a cost and administrative burden imposed on CLECs by these new requirements and threatens the privacy rights of CLEC employees. Second, Verizon correctly cites the law of the Commonwealth regarding drug testing, and, unsurprisingly, concludes that its interests outweigh the privacy intrusion of its collocators' employees. Global maintains that the Department is unable to conduct the balancing test required under state law because this is not an evidentiary proceeding. Global further maintains that the tenuous

link between Verizon's "security" interests and CLEC's employees' privacy interests does not justify drug testing. Third, Verizon admits that its requirements apply in a discriminatory manner only to new badges and not to renewals. Even more absurd is Verizon's position that employees with expired badges would be required to undergo the new procedures in order to have a badge re-issued- the inference being that employees who fail to renew their badges are more dangerous than those who are timely. Verizon has not articulated why CLECs' new employees are more of a safety risk than their employees who were hired after the new procedures were put into place. The FCC's regulations regarding security procedures focus on infrastructure and Global maintains that Verizon can accomplish its security objectives through the use of mechanisms set forth in the regulations (use of video monitoring, card key access, etc.).

Verizon similarly fails to demonstrate that its requirement for CLECs to provide personal information such as social security numbers, date and place of birth and mother's maiden name, accomplish legitimate security goals. As far as Global can tell, Verizon simply uses social security numbers for identification purposes. The additional information is both invasive and superfluous. Verizon admitted in discovery that it had not ever considered using an alternative identification system which would accomplish the same goal but not force CLEC employees to provide this personal information. While it is true that Global did (reluctantly) previously provide this information to Verizon, and would agree (reluctantly) to provide the information on an ongoing basis, it has chosen to contest the requirement in the context of its overall challenge to Verizon's unduly intrusive new procedures.

Simply stated, Verizon's security concerns do not warrant its intrusive application procedures. Verizon could just as easily achieve its security goals through the use of less intrusive procedures and Global respectfully requests that the Department order Verizon to do so.

Respectfully submitted,

GLOBAL NAPS, INC.

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